

COMMITTEE AMENDMENT FORM

DATE: 02/11/09

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #08-O-1767 SECTION (S)

RESOLUTION I. D. #09-R- PARA.

AMENDS THE LEGISLATION BY ADDING FOURTEEN (14) CONDITIONS
ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF
PLANNING ON DECEMBER 10, 2008.

AMENDMENT DONE BY COUNCIL STAFF 2/11/09

City Council
Atlanta, Georgia

08-O-1767

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-63
Date Filed: 8-12-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1260 Foster Street, N.W.** be changed I-2 (Heavy Industrial) District to the PD-MU (Planned Development-Mixed Use) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 150 and 189, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey/map.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-08-63 for 1260 Foster Street, N.W.

1. Site plan entitled "Architectural Site Plan and Zoning Analysis, 1260 Foster Street, Rezoning Application" prepared by Lord, Aeck & Sargent, dated August 8, 2008, and last revised December 10, 2008.
2. Section drawings entitled "1260 Foster Street, Section Exhibit" prepared by Lord, Aeck & Sargent, dated December 10, 2008.
3. Substantial (major) changes in the above referenced site plan, as determined by the Director of the Bureau of Planning or his/her designee under the provisions of Section 16-02.003(7) of the 1982 City of Atlanta Zoning Ordinance, shall be submitted to NPU-D for review prior to consideration for approval by the City Council.
4. The land encompassed by the Site Plan shall be comprised of the PDMU zoning district. The Site Plan does not include proposed lot division within the PDMU district. Land included with the proposed PDMU district may be divided by property lines and real property interests may be granted or conveyed in a manner not shown on the Site Plan. Resulting Floor Area Ratio, Total Open Space, Usable Open Space, parking, loading and other requirements based on lot sizes and configurations for each subdivided parcel may vary from the overall site calculations shown on the Site Plan. In no event, however, shall any of the lot divisions, conveyances or reconfigurations contemplated herein by this provision result in the requirements for the total combined development as a whole, divided with property lines within the proposed PDMU district without regard for the requirement of an independent driveway contained within Section 16.28-006(10) as long as access by easement or shared fee simple interest or the like exists to a publicly dedicated right-of-way.
5. The proposed maximum residential square footage, including any existing structures to be retained, shall not exceed 614,400 square feet.
6. The proposed maximum nonresidential square footage, including any existing structures to be retained, shall not exceed 145,000 square feet .
7. Those existing structures, identified as Buildings A-1, A-2, A-3, A-4, A-5 and A-6 on the conditional site plan referenced above and totaling 99,200 square feet, shall be retained & shall be rehabilitated to a structurally sound condition.
8. The developer shall investigate the possibility of establishing connectivity with and access to West Marietta Street as illustrated on the diagram entitled "1260 Foster Street (Murray Mill) – Connectivity Exhibit" prepared by Lord, Aeck & Sargent, dated October 16, 2008.

The intent of this condition is to ascertain the feasibility of establishing such connectivity in the future and not to require that it be established in conjunction with this development. Compliance with this condition shall be demonstrated by the submission of copies of correspondence from the developer to such entities as CSX Railway, Norfolk Southern Railway, the Georgia Department of Transportation, ARC & GRTA.

9. The maximum height for newly-constructed structures in this development (as identified on the above-referenced site plan) shall be as follows:

- Block A (Structures A-1 through A-9) - not to exceed the height of the existing structures
- Block B (Structures B-1 & B-2) – 60 feet
- Block C (Structure C-1) – 120 feet
- Height shall be measured as defined in the 1982 City of Atlanta Zoning Ordinance, Section 16-29.027.

10. The developer will preserve trees in accordance with the tree inventory as shown on the attached plan entitled “1260 Foster Street (Murray Mill) – Tree Analysis Exhibit” prepared by Lord, Aeck & Sargent, dated December 10, 2008.

Specifically, all trees located within the setback areas, along the northern & southern edges of the sites, shall be retained as shall the three major trees in the southeast corner of the site identified as a 36-inch elm, a 42-inch sycamore and a 36-inch sweet gum. In addition, the small grove of trees located on the northern edge of Building A-7 shall be preserved (although not so identified on the Tree Analysis Exhibit). Building A-7 shall be relocated or redesigned in order to permit this preservation to occur.

Tree save fencing shall be installed and maintained in good condition throughout the construction process.

Nothing in this Condition shall be deemed to relieve the developer with full compliance with the requirements of the City of Atlanta Tree Protection Ordinance.

11. On street parking may be provided on Foster Street. However, such parking shall be placed on the developer’s property (i.e. outside the City of Atlanta right-of-way), so as to allow for future improvement to Foster Street.
12. The proposed structural parking decks shall be constructed concurrently with the residential structures intended to screen them.
13. It is the intent of this legislation that transportation impact fees assessed as part of the permitting process for this project be expended on improvements recommended in the Development of Regional Impact recommendation applicable to this project. To this end, the developer shall request of the City of Atlanta City Council that appropriate legislation be adopted to implement such impact fee designation and the developer shall actively support the passage of such legislation. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.

14. The following conditions identified in Attachment A – General Conditions of the “Notice of Decision for Request for Non-Expedited Review of DRI 1932, 1200 Foster Street” are hereby considered conditions of this rezoning and their provisions shall be enforced as such:

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

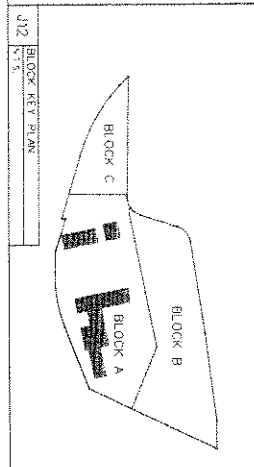
Development Intensity and Use

- Provide a mixture of residential and non-residential uses.

Pedestrian Facilities

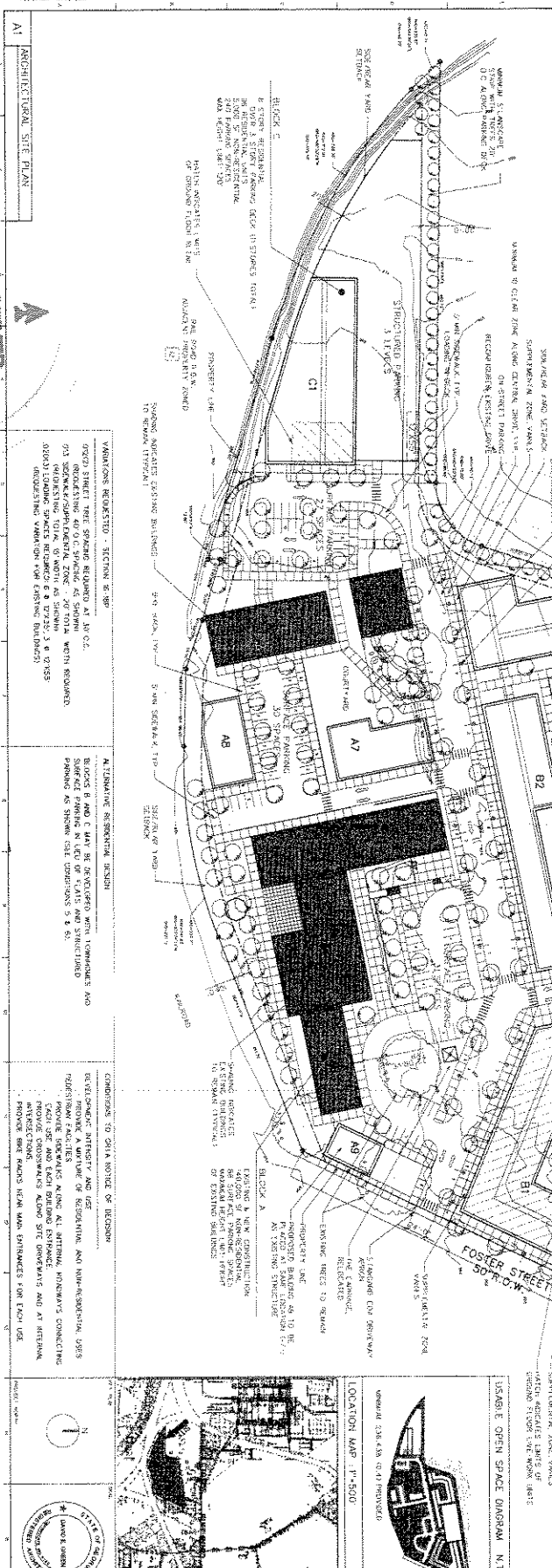
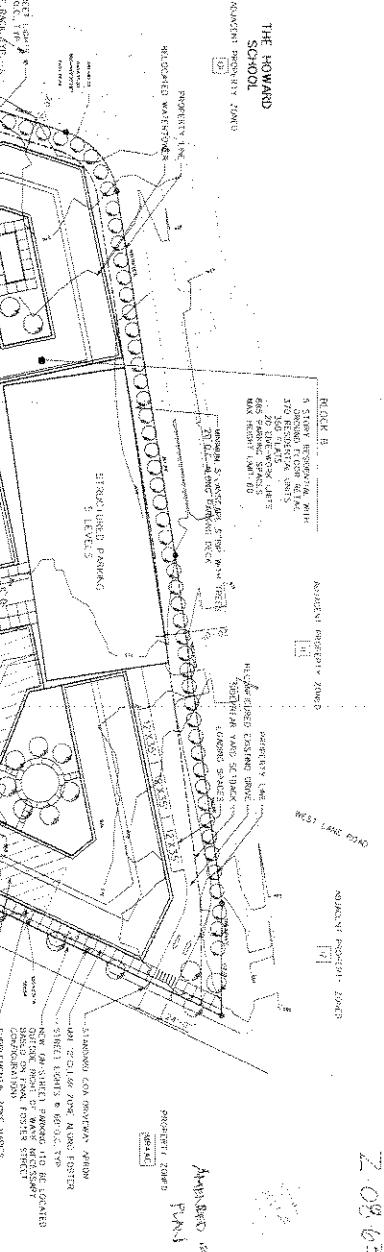
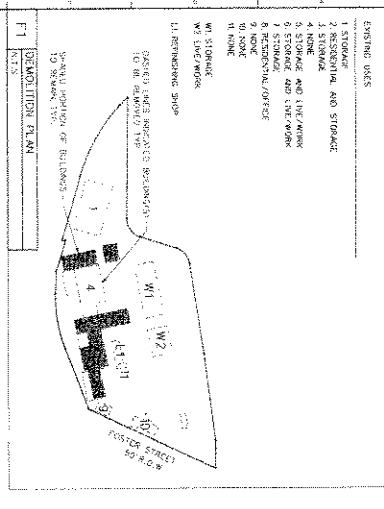
- Provide sidewalks along all internal roadways connecting each use and each building entrance
- Provide crosswalks along site driveways and at internal intersections
- Provide bike racks near main entrances for each use

Project Name	Project Description	Project Status	Project Manager	Project Start Date	Project End Date	Project Budget	Project Risk
Project A	Project A Description	Project A Status	Project A Manager	Project A Start Date	Project A End Date	Project A Budget	Project A Risk
Project B	Project B Description	Project B Status	Project B Manager	Project B Start Date	Project B End Date	Project B Budget	Project B Risk
Project C	Project C Description	Project C Status	Project C Manager	Project C Start Date	Project C End Date	Project C Budget	Project C Risk
Project D	Project D Description	Project D Status	Project D Manager	Project D Start Date	Project D End Date	Project D Budget	Project D Risk
Project E	Project E Description	Project E Status	Project E Manager	Project E Start Date	Project E End Date	Project E Budget	Project E Risk
Project F	Project F Description	Project F Status	Project F Manager	Project F Start Date	Project F End Date	Project F Budget	Project F Risk
Project G	Project G Description	Project G Status	Project G Manager	Project G Start Date	Project G End Date	Project G Budget	Project G Risk
Project H	Project H Description	Project H Status	Project H Manager	Project H Start Date	Project H End Date	Project H Budget	Project H Risk
Project I	Project I Description	Project I Status	Project I Manager	Project I Start Date	Project I End Date	Project I Budget	Project I Risk
Project J	Project J Description	Project J Status	Project J Manager	Project J Start Date	Project J End Date	Project J Budget	Project J Risk



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1877: 1877-1878: 1878-1879: 1879-1880: 1880-1881: 1881-1882: 1882-1883: 1883-1884: 1884-1885: 1885-1886: 1886-1887: 1887-1888: 1888-1889: 1889-1890: 1890-1891: 1891-1892: 1892-1893: 1893-1894: 1894-1895: 1895-1896: 1896-1897: 1897-1898: 1898-1899: 1899-1900: 1900-1901: 1901-1902: 1902-1903: 1903-1904: 1904-1905: 1905-1906: 1906-1907: 1907-1908: 1908-1909: 1909-1910: 1910-1911: 1911-1912: 1912-1913: 1913-1914: 1914-1915: 1915-1916: 1916-1917: 1917-1918: 1918-1919: 1919-1920: 1920-1921: 1921-1922: 1922-1923: 1923-1924: 1924-1925: 1925-1926: 1926-1927: 1927-1928: 1928-1929: 1929-1930: 1930-1931: 1931-1932: 1932-1933: 1933-1934: 1934-1935: 1935-1936: 1936-1937: 1937-1938: 1938-1939: 1939-1940: 1940-1941: 1941-1942: 1942-1943: 1943-1944: 1944-1945: 1945-1946: 1946-1947: 1947-1948: 1948-1949: 1949-1950: 1950-1951: 1951-1952: 1952-1953: 1953-1954: 1954-1955: 1955-1956: 1956-1957: 1957-1958: 1958-1959: 1959-1960: 1960-1961: 1961-1962: 1962-1963: 1963-1964: 1964-1965: 1965-1966: 1966-1967: 1967-1968: 1968-1969: 1969-1970: 1970-1971: 1971-1972: 1972-1973: 1973-1974: 1974-1975: 1975-1976: 1976-1977: 1977-1978: 1978-1979: 1979-1980: 1980-1981: 1981-1982: 1982-1983: 1983-1984: 1984-1985: 1985-1986: 1986-1987: 1987-1988: 1988-1989: 1989-1990: 1990-1991: 1991-1992: 1992-1993: 1993-1994: 1994-1995: 1995-1996: 1996-1997: 1997-1998: 1998-1999: 1999-2000: 2000-2001: 2001-2002: 2002-2003: 2003-2004: 2004-2005: 2005-2006: 2006-2007: 2007-2008: 2008-2009: 2009-2010: 2010-2011: 2011-2012: 2012-2013: 2013-2014: 2014-2015: 2015-2016: 2016-2017: 2017-2018: 2018-2019: 2019-2020: 2020-2021: 2021-2022: 2022-2023: 2023-2024: 2024-2025: 2025-2026: 2026-2027: 2027-2028: 2028-2029: 2029-2030: 2030-2031: 2031-2032: 2032-2033: 2033-2034: 2034-2035: 2035-2036: 2036-2037: 2037-2038: 2038-2039: 2039-2040: 2040-2041: 2041-2042: 2042-2043: 2043-2044: 2044-2045: 2045-2046: 2046-2047: 2047-2048: 2048-2049: 2049-2050: 2050-2051: 2051-2052: 2052-2053: 2053-2054: 2054-2055: 2055-2056: 2056-2057: 2057-2058: 2058-2059: 2059-2060: 2060-2061: 2061-2062: 2062-2063: 2063-2064: 2064-2065: 2065-2066: 2066-2067: 2067-2068: 2068-2069: 2069-2070: 2070-2071: 2071-2072: 2072-2073: 2073-2074: 2074-2075: 2075-2076: 2076-2077: 2077-2078: 2078-2079: 2079-2080: 2080-2081: 2081-2082: 2082-2083: 2083-2084: 2084-2085: 2085-2086: 2086-2087: 2087-2088: 2088-2089: 2089-2090: 2090-2091: 2091-2092: 2092-2093: 2093-2094: 2094-2095: 2095-2096: 2096-2097: 2097-2098: 2098-2099: 2099-2100: 2100-2101: 2101-2102: 2102-2103: 2103-2104: 2104-2105: 2105-2106: 2106-2107: 2107-2108: 2108-2109: 2109-2110: 2110-2111: 2111-2112: 2112-2113: 2113-2114: 2114-2115: 2115-2116: 2116-2117: 2117-2118: 2118-2119: 2119-2120: 2120-2121: 2121-2122: 2122-2123: 2123-2124: 2124-2125: 2125-2126: 2126-2127: 2127-2128: 2128-2129: 2129-2130: 2130-2131: 2131-2132: 2132-2133: 2133-2134: 2134-2135: 2135-2136: 2136-2137: 2137-2138: 2138-2139: 2139-2140: 2140-2141: 2141-2142: 2142-2143: 2143-2144: 2144-2145: 2145-2146: 2146-2147: 2147-2148: 2148-2149: 2149-2150: 2150-2151: 2151-2152: 2152-2153: 2153-2154: 2154-2155: 2155-2156: 2156-2157: 2157-2158: 2158-2159: 2159-2160: 2160-2161: 2161-2162: 2162-2163: 2163-2164: 2164-2165: 2165-2166: 2166-2167: 2167-2168: 2168-2169: 2169-2170: 2170-2171: 2171-2172: 2172-2173: 2173-2174: 2174-2175: 2175-2176: 2176-2177: 2177-2178: 2178-2179: 2179-2180: 2180-2181: 2181-2182: 2182-2183: 2183-2184: 2184-2185: 2185-2186: 2186-2187: 2187-2188: 2188-2189: 2189-2190: 2190-2191: 2191-2192: 2192-2193: 2193-2194: 2194-2195: 2195-2196: 2196-2197: 2197-2198: 2198-2199: 2199-2200: 2200-2201: 2201-2202: 2202-2203: 2203-2204: 2204-2205: 2205-2206: 2206-2207: 2207-2208: 2208-2209: 2209-2210: 2210-2211: 2211-2212: 2212-2213: 2213-2214: 2214-2215: 2215-2216: 2216-2217: 2217-2218: 2218-2219: 2219-2220: 2220-2221: 2221-2222: 2222-2223: 2223-2224: 2224-2225: 2225-2226: 2226-2227: 2227-2228: 2228-2229: 2229-2230: 2230-2231: 2231-2232: 2232-2233: 2233-2234: 2234-2235: 2235-2236: 2236-2237: 2237-2238: 2238-2239: 2239-2240: 2240-2241: 2241-2242: 2242-2243: 2243-2244: 2244-2245: 2245-2246: 2246-2247: 2247-2248: 2248-22



1260 FOSTER STREET REZONING APPLICATION 08/06/2008 2:06:10 PM ASOT	1260 FOSTER STREET REZONING APPLICATION 08/06/2008 2:06:10 PM ASOT	ARCHITECTURAL SITE PLAN & ZONING ANALYSIS 08/06/2008 2:06:10 PM ASOT
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RECEIVED
DEC 24 2008
Bureau of
Planning
2-08-03

NOT FOR CONSTRUCTION

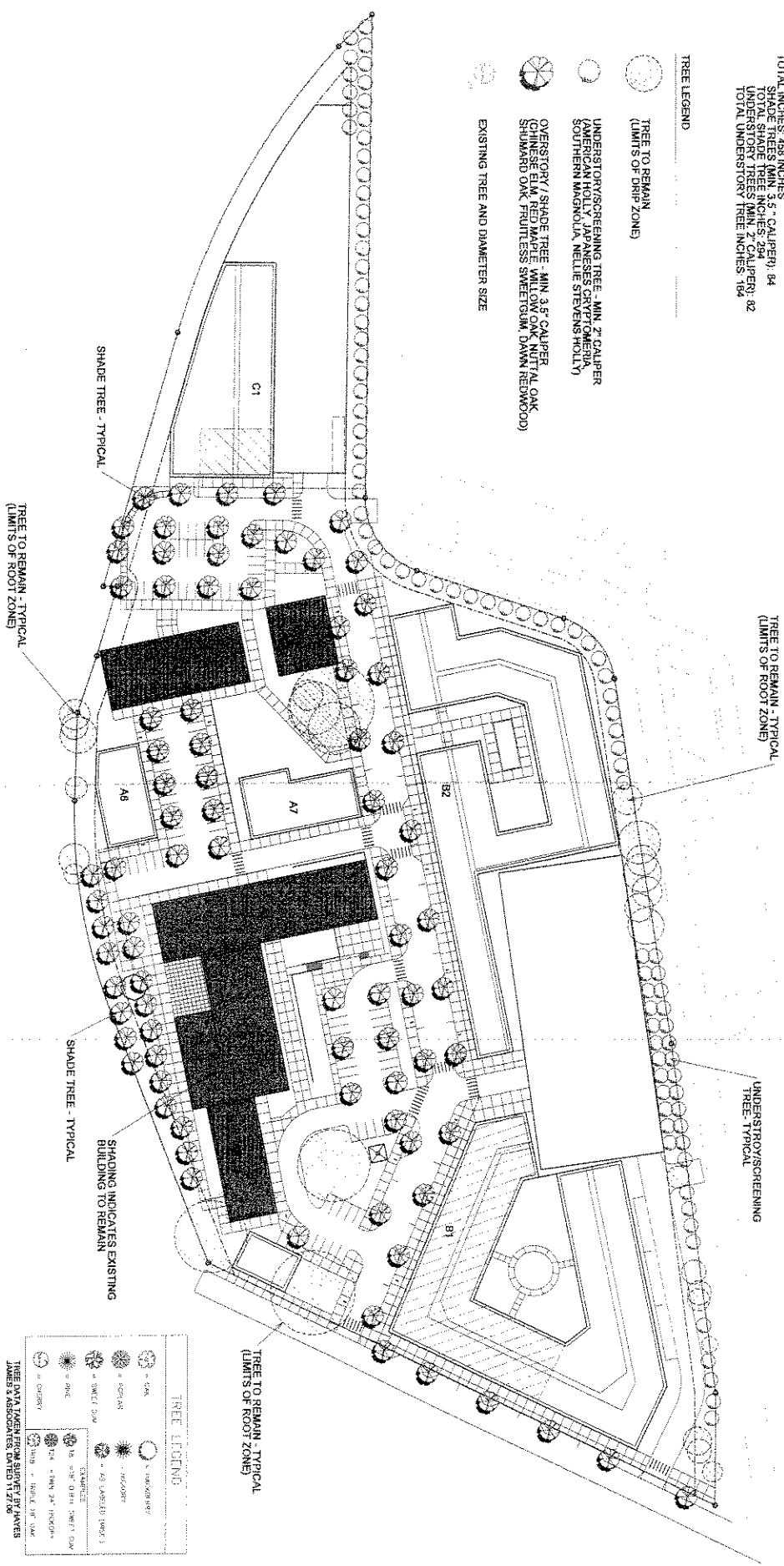
2-08-03

TREE INVENTORY
TREES TO BE REMOVED: 84
TOTAL INCHES TO BE REMOVED: 1411
TREES TO REMAIN: 31
TOTAL INCHES TO REMAIN: 548
PROPOSED TREES
TOTAL TREES: 166
TOTAL INCHES: 488 INCHES
UNDERSTORY TREES: 158
TOTAL UNDERSTORY TREES: 164
TOTAL SHADE TREE INCHES: 284
TOTAL UNDERSTORY TREE INCHES: 164

- TREE LEGEND**
- TREE TO REMAIN (LIMITS OF DRIP ZONE)
 - UNDERSTORY/SCREENING TREE - MIN. 7' CALIPER (AMERICAN HOLLY, JAPANESE CRYPTOMERIA, SOUTHERN MAGNOLIA, NELLIE STEVENS HOLLY)
 - OVERSTORY / SHADE TREE - MIN. 3.5" CALIPER (CHINESE BLM, RED MAPLE, WHITE OAK, NUTTALL OAK, SHUMARD OAK, FRUITLESS SWEETGUM, DAWN REDWOOD)
 - EXISTING TREE AND DIAMETER SIZE

1260 Foster Street (Murray Mill) - Tree Analysis Exhibit

Atlanta, Georgia
Date: 12.10.08
Project: 28001-00



RECEIVED
DEC 10 2008
Bureau of
Planning

2-08-03

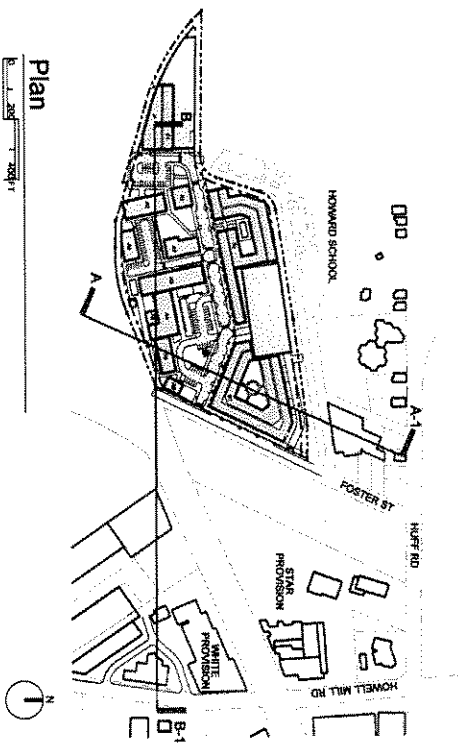
NOTE: ANALYSIS EXHIBIT IS CONCEPTUAL AND SUBJECT TO CHANGE BASED ON FINAL PLANNING AND ENGINEERING. TREE REMOVAL AND REPLACEMENT IS A PERMANENT ACTION. TREE REPLACEMENT AND AFFORESTATION (SECTION 108.108)

TREE LEGEND

	OAK		MAGNOLIA
	HOLLY		CRYPTOMERIA
	SWEETGUM		CHINESE BLM
	RED MAPLE		WHITE OAK
	NUTTALL OAK		SHUMARD OAK
	FRUITLESS SWEETGUM		DAWN REDWOOD

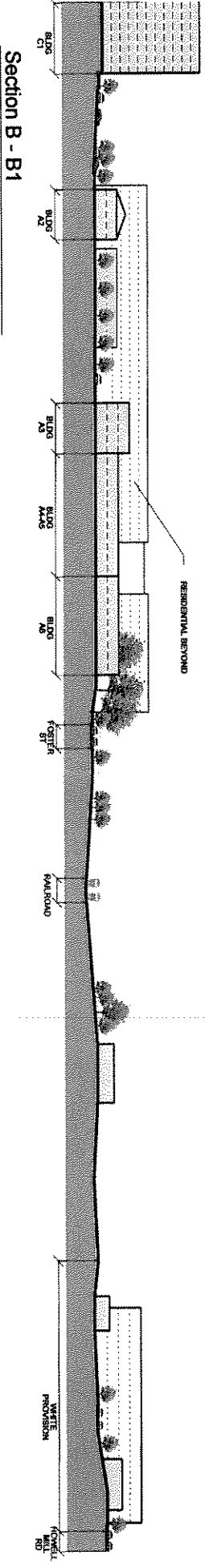
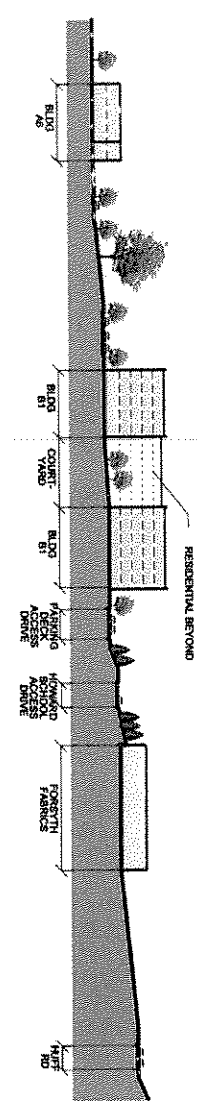
TREE DATA TAKEN FROM SURVEY BY JAMES
JAMES'S ASSOCIATES, DATED 11/1/08

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Plan

Section A - A1



Section B - B1

1260 Foster Street - Section Exhibit

Atlanta, Georgia
Date: 12.10.08
Project: 28061-00

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ARCHITECTURE

RECEIVED
DEC 10 2008
Bureau of
Planning

Z-08-63

City Council
Atlanta, Georgia

08-0 -1767

Z-08-63

Date Filed: 8-12-08

AN ORDINANCE
BY: ZONING COMMITTEE

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SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

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RCS# 2416
9/15/08
2:38 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-1764,1765,1766,1767,1768,1769,1770
08-O-1771,1772,1773
REFER ZRB/ZONE.

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	B Martin	NV Norwood
Y Young	Y Shook	Y Maddox	E Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

LEGAL DESCRIPTION RELEASE AREA

ALL THAT PARCEL OF LAND LYING AND BEING IN LAND LOTS 150 AND 189, 17th DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR FOUND AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF FOSTER STREET (40' R/W) AND THE NORTH RIGHT OF WAY OF NORFOLK SOUTHERN RAILROAD (R/W VARIES); THENCE, S68°46'39"W ALONG SAID NORTH RIGHT OF WAY OF NORFOLK SOUTHERN RAILROAD A DISTANCE OF 261.21 FEET TO A 1/2 INCH REBAR FOUND; THENCE CONTINUING, ALONG A CURVE TO THE RIGHT A DISTANCE OF 222.82 FEET, SAID CURVE HAVING A RADIUS OF 541.85 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF S79°53'02"W WITH A CHORD LENGTH OF 221.26 FEET TO A 1/2 INCH REBAR FOUND; THENCE CONTINUING, N88°31'02"W A DISTANCE OF 88.10 FEET TO AN IRON PIN SET; THENCE CONTINUING, N70°55'28"W A DISTANCE OF 59.03 FEET TO AN IRON PIN SET; THENCE CONTINUING, N73°38'01"W A DISTANCE OF 71.98 FEET TO A 1/2 INCH REBAR FOUND; THENCE CONTINUING, S00°27'16"W A DISTANCE OF 13.95 FEET TO A 1/2 INCH REBAR FOUND ON THE NORTH RIGHT OF WAY OF CSX RAILROAD (R/W VARIES); THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY OF CSX RAILROAD, N73°46'03"W A DISTANCE OF 262.64 FEET TO AN IRON PIN SET; THENCE CONTINUING, ALONG A CURVE TO THE RIGHT A DISTANCE OF 328.38 FEET, SAID CURVE HAVING A RADIUS OF 712.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF N60°33'54"W WITH A CHORD LENGTH OF 325.48 FEET TO AN IRON PIN SET; THENCE CONTINUING, N43°35'22"W A DISTANCE OF 45.68 FEET TO AN IRON PIN SET; THENCE, LEAVING SAID NORTH RIGHT OF WAY OF CSX RAILROAD S89°14'21"E A DISTANCE OF 480.73 FEET TO A 1/2 INCH REBAR FOUND; THENCE FOLLOWING ALONG A CURVE TO THE LEFT A DISTANCE OF 95.05 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF N54°30'51"E WITH A CHORD LENGTH OF 88.82 FEET TO A 1/2 INCH REBAR FOUND; THENCE, N18°03'35"E A DISTANCE OF 154.03 FEET TO A 1/2 INCH REBAR FOUND; THENCE FOLLOWING ALONG A CURVE TO THE RIGHT A DISTANCE OF 82.48 FEET, SAID CURVE HAVING A RADIUS OF 75.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING OF N49°35'19"E WITH A CHORD LENGTH OF 78.39 FEET TO A 1/2 INCH REBAR FOUND; THENCE, N81°09'45"E A DISTANCE OF 367.56 FEET TO A 1/2 INCH REBAR FOUND; THENCE, N82°45'05"E A DISTANCE OF 350.74 FEET TO A 1/2 INCH REBAR FOUND; THENCE, S89°34'30"E A DISTANCE OF 112.25 FEET TO AN IRON PIN SET ON THE WEST RIGHT OF WAY OF FOSTER STREET; THENCE, S25°42'52"W ALONG SAID WEST RIGHT OF WAY OF FOSTER STREET A DISTANCE OF 558.58 FEET TO THE POINT OF BEGINNING,

SAID PARCEL CONTAINS 11.74 ACRES, MORE OR LESS.

